

REMARKS

Upon entry of the present amendment, claims 1-17 are pending in the instant application. Claims 1-5, 7-10, and 12-17 have been amended. Support for the amendments presented herein is found throughout the specification and in the claims as originally filed. For example, support for the amendments presented herein is found at least in Figure 3. Support for the multiple perforations that are easily broken to conform to the geometry of an object to create a snug fit, as recited by amended claims 1, 15 and 16 is found at least at page 11, paragraph [00053]. Support for the hook and loop fastener recited by amended claim 4 is found at least at page 12, paragraph [00057]. Accordingly, no new matter has been added by this amendment.

Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1-17 under 35 U.S.C. § 112, second paragraph as being indefinite.

The pending claims have been amended to recite the spatial relationship and connections between the various panels and flaps in the single piece organizers of the invention. Thus, independent claim 1, as amended, is directed to a single piece organizer formed from a single unitary blank that includes (i) a top panel, (ii) a bottom panel, (iii) a first side panel, (iv) a second side panel, (v) a first end panel, (vi) a second end panel, (vii) a first flap and (viii) a second flap. The first and second flaps contain folding sections, referred to as “first flap-folding sections” and “second flap-folding sections”, that each contain multiple perforations that are easily broken to conform to the geometry of an object to be stored or shipped, thereby creating a snug fit with the object.

Claim 15 has been amended to recite a method of storing or shipping an object by providing a single piece organizer formed from a single unitary blank that includes (i) a top panel, (ii) a bottom panel, (iii) a first side panel, (iv) a second side panel, (v) a first end panel, (vi) a second end panel, (vii) a first flap and (viii) a second flap. The first and second flaps contain folding sections, referred to as “first flap-folding sections” and “second flap-folding sections”, that each contain multiple perforations that are easily broken to conform to the geometry of an object to be stored or shipped, thereby creating a snug fit with the object. Amended claim 15 further recites the folding steps required to create the single piece organizer.

Claim 16 has been amended to recite a portable organizer for storing or shipping an object, wherein the organizer contains (i) a panel, and (ii) one or more flaps that each include a

folding section having multiple perforations that are easily broken to conform to the geometry of an object to be stored or shipped, thereby creating a snug fit with the object.

Thus, all references to “two side panels connect to each one of the top panels and the bottom panel” have been removed from the amended claims 1 and 15. These amended claims now recite first and second side panels, as well as the relationship between these first and second side panels and the top and bottom panels. Furthermore, these amended claims no longer recite “two end panels connected to each side panel”. Rather, amended claims 1 and 15 recite first and second end panels, as well as the relationship between these first and second end panels and the first and second side panels. The phrase “flap connected to each one of the top and bottom panels” has also been removed from amended claims 1 and 15. These amended claims now recite first and second flaps, as well as the relationship between these first and second flaps and the top and bottom panels. In addition, claims 1 and 15, as amended, require the use of first-flap folding sections and second-flap folding sections that each contain “multiple perforations”, rather than “multiple perforation lines”.

Dependent claim 2 has also been amended to recite the relationship between the first end panel and the first flap, as well as the relationship between the second end panel and the second flap. Similarly, claim 3 has been amended to recite the particular side and/or end panels (*e.g.*, first side panel, second side panel, first end panel or second end panel) that is folded in each step recited by this claim. In addition, all references to “angle with bottom panel” have been replaced in amended claims 3 and 15 to recite the grammatically correct phrase “angle with the bottom panel”.

Dependent claim 4 has been amended to replace the term “Velcro” with hook and loop fastener, as suggested by the Examiner. Additionally, claim 4 has been amended to recite the relationship between the adhesive or hook and loop fastener and either or both of the first and second flaps. Claim 11 has not been amended; however, the terms “multiple perforations” and “the object” now have proper antecedent basis in amended claim 1 (*e.g.*, at lines 18 and 19, respectively). Claim 12 has been amended to recite “the multiple perforations” to maintain proper antecedent basis with amended claim 1. Furthermore, claims 13 and 14 have been amended to recite “three folding sections” to maintain proper antecedent basis with amended claim 7. Claim 15 has been amended to replace the phrases “an unitary”, “with bottom panel” and “to bottom panel” with the grammatically correct phrases “a unitary”, “with the bottom panel” and “to the bottom panel”. Finally, claim 17 has been amended to recite the relationship

between the first and second side panels and the second flap, as disclosed, for example, at page 15, paragraph [00080] and in Figure 9.

Accordingly, Applicant submits that the claim amendments presented herein clearly and particularly point out the subject matter of the claimed invention. As such, all rejections under 35 U.S.C. § 112, second paragraph should be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1, 9-12, and 15-17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,372,259 by Suzuki *et al.*, (“Suzuki”). According to the Examiner, Suzuki describes a unitary one piece blank comprising a bottom panel, a top panel or second panel, two side panels connected to the top and bottom panels, two end panels connected to each side panel, at least one flap connected to the top and bottom panels, each flap containing folding sections and multiple perforation lines. The claims have been amended to more clearly define the invention and to address this rejection. The amended claims are not anticipated by Suzuki for the following reasons.

As described above, the pending claims have been amended to recite single piece organizers (*e.g.*, claims 1-15) or portable organizers (*e.g.*, claims 16-17) that contain at least one folding section having “multiple perforations that are easily broken to conform to the geometry of an object to be stored or shipped, thereby creating a snug fit with the object.”

The Suzuki reference does not describe or suggest the use of multiple perforations that conform to the geometry of the object to be shipped or stored. In contrast to the multiple perforations of the claimed invention, Suzuki describes “three transversely extending scores L3, L4 and L5. This permits the end flaps 26 and 27 to be folded into a box-like configuration as best shown in Figures 2 through 4”. (*See e.g.*, Suzuki, col. 3, lines 30-37). Thus, lateral slits described in the Suzuki reference always form recesses that are rectangular in shape. (*See e.g.*, Figures 2 through 4). Accordingly, the recesses formed in the Suzuki end flaps do not conform to the geometry to be shipped or stored.

As the Suzuki reference fails to describe multiple perforations that conform to the geometry of the object to be shipped or stored, the amended claims are novel over this reference. Applicant, therefore, requests that the Examiner withdraw this rejection.

Rejections under 35 U.S.C. § 103

Claims 1-2 and 6-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Suzuki. The Examiner has indicated that “due to the inaccuracy of the claims as presently provided, to any degree the described subject matter may not be as the disclosed subject matter, such structure would appear to have been obvious as claimed in view of Suzuki et al.”. (Office Action, page 5).

Applicant notes that the pending claims have been amended herein to define the spatial relationship and connections between the various panels and flaps in the single piece organizers of the invention. In addition, the pending claims have been amended to recite that the single piece organizers (*e.g.*, claims 1-15) or portable organizers (*e.g.*, claims 16-17) of the claimed invention contain at least one folding section having “multiple perforations that are easily broken to conform to the geometry of an object to be stored or shipped, thereby creating a snug fit with the object.”

Thus, the multiple perforations used in the claimed single piece organizers and portable organizers create a snug fit with the object to be shipped or stored no matter what the geometry of the object.

As described above, Suzuki describes lateral slits that are folded into a box-like configuration. As the lateral slits described in the Suzuki reference always form recesses that are rectangular in shape, the lateral slits do not conform to the geometry to be shipped or stored. Moreover, there is no teaching or suggestion in Suzuki reference that would motivate a person of ordinary skill in the art to use multiple perforations that are folded or broken to form any geometrical shape other than a rectangle, let alone multiple perforations that conform to the geometry of the shape of the object, regardless of the geometry of the object.

Thus, the Suzuki reference fails to describe or suggest the use of the claimed multiple perforations. Accordingly, the amended claims presented herein are not obvious in view of this reference, and Applicant requests that the Examiner withdraw this rejection.

CONCLUSION

Applicant submits that the application is in condition for allowance and such action is respectfully requested.

Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



Ingrid A. Beattie, Reg. No. 42,306
Attorney for Applicant
MINTZ, LEVIN, COHN, FERRIS
GLOVSKY and POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000

Dated: March 8, 2005